

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : John Nicholas Eian et al. Art Unit : 2624
Serial No. : 10/669,085 Examiner : Yon Couso
Filed : September 23, 2003 Conf. No. : 1869
Title : SYSTEM AND METHOD FOR THREE-DIMENSIONAL VIDEO IMAGING
 USING A SINGLE CAMERA

MAIL STOP MISSING PARTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE REGARDING OATH/DECLARATION

In response to the Notice Regarding Oath/Declaration mailed July 11, 2007 (copy attached), applicant claims small entity status (see 37 CFR §1.27) and submits herewith the following:

☒ A Declaration in compliance with 37 CFR §1.63.

It is understood that this perfects the application and no additional papers or filing fees are required. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: Aug. 23, 2007

Craige O. Thompson
Craige O. Thompson
Reg. No. 47,990

Fish & Richardson P.C.
60 South Sixth Street
Suite 3300
Minneapolis, MN 55402
Telephone: (612) 335-5070
Facsimile: (612) 288-9696



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS MN 55440-1022

COPY MAILED

JUL 11 2007

OFFICE OF PETITIONS

In re Application of	:	
Eian et al.	:	DECISION
Application No. 10/669085	:	ON PETITION
Filing or 371(c) Date: 09/23/2003	:	and NOTICE
Attorney Docket Number:	:	REGARDING
09531-154001 / Z03043	:	OATH/DECLARATION

This is a decision on the "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," filed May 22, 2007. The petition is properly treated under 37 CFR 1.181(a).

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowance and Issue Fee Due, mailed January 10, 2007. The Notice set a non-extendable three (3) month period for reply. No response having been received, the application became abandoned on April 11, 2007. A Notice of Abandonment was mailed May 8, 2007.

With the instant petition, Applicant has demonstrated non-receipt of the Notice by a preponderance of the evidence¹.

The holding of abandonment is hereby withdrawn.

No petition fee has been charged and none is due.

Defective oath/declaration

A review of the oath/declaration filed February 11, 2004 reveals that the oath/declaration fails to comply with 37 CFR 1.63 and 37 CFR 1.56, in that 37 CFR 1.63(b)(3) requires the oath or declaration to state that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in § 1.56.

The oath/declaration filed February 11, 2004 states that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to examination.

¹ A review of Office records reveals that the Notice was inadvertently mailed to an incorrect correspondence address.

An oath/declaration in compliance with 37 CFR 1.63 is required.

The application will be referred to Technology Center Art Unit 2624 for re-mailing of the Notice of Allowance and Issue Fee Due, and Notice of Allowability.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.



Derek L. Woods
Attorney
Office of Petitions